



Land and Environment Court
New South Wales

Case Name: Northern Beaches Council v Northern Beaches Council
(at the control and direction of the Sydney North
Planning Panel)

Medium Neutral Citation: [2024] NSWLEC 1816

Hearing Date(s): Conciliation conference on 25 November 2024; s 34
agreement received 13 December 2024

Date of Orders: 18 December 2024

Decision Date: 18 December 2024

Jurisdiction: Class 1

Before: Dixon SC

Decision: The Court orders:
(1) The applicant is to pay the second respondent's
costs thrown away by the amendment of the
development application pursuant to s 8.15(3) of the
Environmental Planning and Assessment Act 1979, as
agreed or assessed.
(2) The appeal is upheld.
(3) Development Application DA2021/2173 for
alterations and additions to the Newport Surf Life
Saving Club building with an extension to the northern
side and coastal protection works in the form of a
buried seawall along the length of the building at 394
and 394A Barrenjoey Road, Newport (Lot 7039 DP
1050730, Lot 23 of Section 6 in DP6248, Barrenjoey
Road reserve adjacent to Lot 23 of Section 6 in DP
6248, Lot 24 of Section 6 in DP 6248, Lot 1 DP
1139445, Lot 7094 DP 1059297, and Lot 7327 in DP
1164236) is determined by the grant of development
consent subject to the conditions in Annexure A.
(4) The first respondent is directed to register the
development consent on the NSW planning portal in

accordance with s 4.20(1) of the Environmental Planning and Assessment Act 1979 within 14 days of the date of these orders.

Catchwords: APPEAL – development application – alterations and additions to the Newport Surf Life Saving Club – conciliation conference – agreement between the parties – orders

Legislation Cited: Biodiversity Conservation Act 2016
Coastal Management Act 2016, ss 5, 8, 9, 27
Environmental Planning and Assessment Act 1979, ss 4.15, 4.20, 8.2, 8.7, 8.15
Land and Environment Court Act 1979, s 34

Biodiversity Conservation Regulation 2017
Environmental Planning and Assessment Regulation 2000, cll 49, 55
Pittwater Local Environmental Plan 2014, cll 2.7, 4.3, 5.10, 5.21, 7.1, 7.2, 7.10; Sch 5
State Environmental Planning Policy (Resilience and Hazards) 2021, ss 2.10, 2.11, 2.12, 2.16; Ch 4, s 4.6
State Environmental Planning Policy (Transport and Infrastructure) 2021, s 2.119

Category: Principal judgment

Parties: Northern Beaches Council (Applicant)
Northern Beaches Council (at the control and direction of the Sydney North Planning Panel) (First Respondent)
Sydney North Planning Panel (Second Respondent)

Representation: Counsel:
R White (Applicant)
Submitting appearance (First Respondent)
M Staunton / L Nurpuri (Second Respondent)

Solicitors:
King & Wood Mallesons (Applicant)
Wilshire Webb Staunton Beattie Lawyers (First Respondent)
Department of Planning, Housing and Infrastructure (Second Respondent)

File Number(s): 2023/109048

Publication Restriction: Nil

JUDGMENT

- 1 These proceedings arise following the appeal against the refusal of development application DA2021/2173 by the second respondent, Sydney North Planning Panel (SNPP) for alterations and additions to the Newport Surf Life Saving Club (SLSC) building with an extension to the northern side and coastal protection works in the form of a buried seawall along the length of the building (DA) at 394 and 394A Barrenjoey Road, Newport, being the land comprised within Lot 7094 in DP 1059297, Lot 1 in DP 1139445, Lot 23 of Section 6 in DP6248, Barrenjoey Road reserve adjacent to Lot 23 of Section 6 in DP 6248, Lot 24 of Section 6 in DP 6248, Lot 7039 in DP 1050730, and Lot 7327 in DP 1164236 (site).
- 2 The site is Crown Land and includes part of Crown Reserve No. 60118 – known as Farrells Reserve and managed by Northern Beaches Council in accordance with the Ocean Beaches Plan of Management: Newport Beach.
- 3 Notification of the DA has been provided by the applicant to the Crown in accordance with cl 49(2)(a) of the Environmental Planning and Assessment Regulation 2000 (EPA Regulation) on 25 October 2021, 29 November 2022 and 20 August and 20 November 2024 (Tabs 3-5 of the applicant's bundle of application documents filed 21 November 2024, applicant's bundle).
- 4 On 2 September 2022, the first respondent recommended approval of the DA subject to some conditions.
- 5 The DA was determined by the SNPP on 5 October 2022. The SNPP refused the DA. The reasons for refusal include:
 - The proposal does not satisfactorily address s 27 of the *Coastal Management Act 2016*;
 - The proposal does not satisfy cl 4.3 of the Pittwater Local Environmental Plan 2014 (PLEP);
 - The site is not suitable for the proposed development given its exposure to coastal hazards;

- Alternative design options for such a valuable but exposed asset were not properly considered due to the emphasis on heritage and open space protection;
 - The use of coastal protections works to protect the current building footprint and heritage fabric is questionable given that over topping and inundation of the building would still occur and collateral erosion damage is likely to be caused to surrounding beach and park; and
 - The long-term planning for the location's Coastal Management Program is yet to be completed. This would facilitate the appropriate assessment of the impacts on the whole coastal compartment, not just the surf club site.
- 6 On 29 November 2022, the applicant made an application for a review of the SNPP's determination of the DA (Review Application) under s 8.2 of the *Environmental Planning and Assessment Act 1979* (EPA Act). Before the Review was dealt with the applicant commenced this appeal pursuant to s 8.7 of the EPA Act.
 - 7 On 5 May 2023, the SNPP filed a notice of motion seeking to be joined as a party to the proceedings, which was granted by the Court on the same day.
 - 8 On 8 May 2023, the first respondent filed a submitting appearance.
 - 9 On 26 May 2023, the SNPP filed its Statement of Facts and Contentions (SOFAC).
 - 10 On 21 August 2024, the applicant was granted leave to rely on amended plans and documents (amended DA). The amended DA was exhibited between 22 August and 5 September 2024. A total of 116 submissions were received.
 - 11 On 30 August 2024, the SNPP filed its ASOFAC.
 - 12 The matter was initially listed for a 3-day hearing on 18-20 September 2024. However, at the conclusion of the first day of the hearing the parties sought, and were granted, an adjournment to prepare further evidence in respect to structural engineering and ecology issues. The matter was then listed for a further hearing on 25 November 2024.
 - 13 When the hearing resumed, the parties informed the Court that the additional information had resolved the contentions between them and they had reached an agreement to resolve the proceedings. The parties sought an adjournment of the hearing to allow the matter to be reallocated to a conciliation conference

under s 34(1) of the *Land and Environment Court Act 1979* (LEC Act), which took place before me on the same day.

- 14 During the conciliation, the applicant further amended its DA. These additional documents are listed in Schedule 1 of the parties' jurisdictional submission (further amended DA). The further amended DA was then exhibited between 27 November and 10 December 2024 and some 44 submissions were received.
- 15 As the SNPP is now satisfied that the latest amendments satisfactorily address the contentions in its ASOFAC subject to the agreed imposition of conditions of consent (Annexure A), the parties propose resolution of the proceedings in accordance with the terms outlined in their executed s 34 written agreement.
- 16 Under s 34(3) of the LEC Act, I must dispose of the proceedings in accordance with the parties' signed agreement if the Court could have made that decision in the proper exercise of its functions.

Jurisdictional preconditions

- 17 The preconditions relevant to the exercise of the Court's power to make the proposed final orders are addressed in a joint jurisdictional submission annexed to the written agreement. In that regard, I note the following:

Coastal Management Act 2016

- 18 The site is in a coastal zone in accordance with s 5, a coastal environment area in accordance with s 8 and a coastal use area in accordance with s 9 of the *Coastal Management Act*.
- 19 No Coastal Management Program has been prepared relating to the site.
- 20 Section 27 of the *Coastal Management Act* stipulates that development consent must not be granted under the EPA Act to development for the purpose of coastal protection works unless the consent authority is satisfied that:

(a) the works will not, over the life of the works—

(i) unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or

(ii) pose or be likely to pose a threat to public safety, and

(b) satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works—

- (i) the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works,
- (ii) the maintenance of the works.

...

21 The parties' respective coastal engineers have assessed the application and are agreed that:

- the proposed coastal protection works and building modifications have reduced the vulnerability of the building compared to the current exposure and the original DA;
- a 100-year ARI wave load and any associated flooding event has a 45% chance of occurring over the building design life of 60 years. This is a 45% chance of the event occurring once. Equally, there is a 55% chance that the 100-year ARI event will not occur over the building design life;
- a 1000-year ARI wave load and any associated coastal flooding event has a 5% chance of occurring over the building design life of 60 years. This is a 5% chance of the event occurring once. Equally, there is a 95% chance that the 1000-year ARI will not occur over the building design life;
- undermining of the existing section of building to be retained and the new section of building would not take place in a 1000-year ARI event as the coastal protection works would be designed for a 1000-year ARI event. Hence structural failure would not occur due to this process; and
- the Water Research Laboratory physical modelling reports and the works agreed to by the parties' structural engineering experts ensure that the existing building structure and proposed additional extension are appropriately reinforced.

22 They also are agreed that the works as set out in Section 6.1 of the Supplementary Coastal Engineering Report prepared by Royal Haskoning DHV dated 6 August 2024 (Coastal Report) (Tab 12 of the applicant's bundle):

- will not unreasonably limit or be likely to unreasonably limit public access to or the use of the beach, and rather it incorporates and accommodates access to the beach in circumstances of low sand through the provision of access stairs and bleachers; and
- will not pose a threat to public safety as they are designed to prevent undermining of the building if it is occupied in severe storm events and to be structurally sound in 1000-year ARI events.

23 The parties are also agreed that the development avoids significant adverse impacts from coastal hazards. They submit that the implementation of the

Safety and Evacuation Management Plan dated 18 October 2024, prepared by Rhelm (Tab 38 of the applicant's bundle) enables the evacuation from the site identified as coastal risk in an emergency.

- 24 Appropriate conditions of consent to ensure satisfactory arrangements for the life of the works have been imposed in accordance with s 27 of the *Coastal Management Act*. In particular:
- condition 34 requires the applicant to provide a bank guarantee for restoration of the beach or maintenance of the coastal protection works in the event they are damaged as a result of a coastal storm;
 - condition 35 requires the applicant to, for the life of the coastal protection works, ensure the restoration of Newport Beach and land adjacent to the beach if increased erosion is caused by the presence of the works and ensure the maintenance of the works; and
 - condition 100 requires a review of the coastal protection works every 20 years which must consider whether the works are satisfactory in their current state and will not result in a threat to public safety, or whether upgrades or demolition and removal are recommended in the interests of public safety.
- 25 Having regard to the above, the parties submit, and I accept that the requirements of s 27 have been met by the grant of development consent (with the approved conditions).

State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP)

- 26 Part of the site is within a Coastal Environment Area under the RH SEPP, and therefore s 2.10 applies. Section 2.10 stipulates that:

(1) development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following-

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- (b) coastal environmental values and natural coastal processes,
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

- (f) Aboriginal cultural heritage, practices and places,
- (g) the use of the surf zone.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that-

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
- (b) if that impact cannot be reasonably avoided-the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised-the development will be managed to mitigate that impact.

...

27 The parties submit and I accept that the further amended DA (see in particular Section 6.2.3 of the Coastal Report), and the imposition of conditions (see in particular conditions 34, 35 and 100) result in a development that has been designed, sited and will be managed to minimise impact referred to in subs 2.10(1).

28 Part of the site is also within a Coastal Use Area to which s 2.11 applies. Section 2.11 stipulates that development consent must not be granted to development on land that is within the coastal use area unless the consent authority –

(a) has considered whether the proposed development is likely to cause an adverse impact on the following—

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
- (iv) Aboriginal cultural heritage, practices and places,
- (v) cultural and built environment heritage, and

(b) is satisfied that—

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
- (ii) if that impact cannot be reasonably avoided-the development is designed, sited and will be managed to minimise that impact, or
- (iii) if that impact cannot be minimised-the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

...

- 29 In addition, s 2.12 states that development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.
- 30 The parties submit and I accept that the proposed development has been appropriately designed to address the matters set out in s 2.11 and not increase the risk of coastal hazards on the site as set out in s 2.12 (see Sections 6.2.4 and 6.2.5 of the Coastal Report). Furthermore, conditions have been imposed to ensure the maintenance of the works for their life (see conditions 34, 35 and 100). Noting, that s 2.16 states that coastal protection works may be carried on by a public authority with development consent.
- 31 Chapter 4 of the RH SEPP also applies to the site. Section 4.6(1) provides that a consent authority must not consent to the carrying out of any development on land unless –
- (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- 32 The Heritage Impact Statement prepared by NBRIS dated 7 August 2024 (Tab 25 of the applicant's bundle) provides that the surf lifesaving clubhouse has been located on the site since 1933 with no known prior land uses. The Amended Statement of Environmental Effects prepared by Rhelm dated 9 August 2024 (SEE) (Tab 6 of the applicant's bundle) also notes in Section 9.2 that the site is not identified on the public register of contaminated sites, nor is it in the vicinity of any. In any event, appropriate conditions of development consent that have been imposed (condition 63) to address the issue of contamination. On that basis the parties submit, and I accept that the site is not contaminated in accordance with s 4.6 of the RH SEPP.

Biodiversity Conservation Act 2016 (BC Act)

- 33 The further amended DA includes works that will permanently remove native dune vegetation, and habitat within the footprint of the proposed works area will be temporarily disturbed. Specifically, the proposal will remove 228 sqm of Coastal Fore-dune Wattle Scrub, of which approximately 190 sqm will be revegetated. There will be a temporary impact to 2000 sqm of beach during construction.
- 34 The Biodiversity Conservation Regulation 2017 (BC Reg) sets out threshold tests for when the Biodiversity Offset Scheme (BOS) will be triggered and a BAM assessment in the form of a Biodiversity Development Assessment Report (BDAR) report is required to accompany the DA. The parties agree that the threshold contained within the BC Reg has not been met to require a BDAR report to accompany the DA.
- 35 The further amended DA includes a Biodiversity Impact Assessment dated 8 August 2024, a Biodiversity Management Plan dated 21 October 2024 and a Construction Environmental Management Plan dated 21 October 2024, all prepared by GIS Consultants (Tabs 34-36 of the applicant's bundle). The DA maintains, and the experts appointed in the proceedings agree, that the development will not have a significant impact on any threatened species, population, or ecological community. On that basis I am satisfied that relevant matters under the BC Act and regulations have been satisfactorily addressed.
- 36 I am also satisfied that appropriate conditions have been incorporated to ensure impacts during construction have been adequately mitigated (see conditions 29, 30, 50, 51, 71, 88 and 89).

State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP)

- 37 Barrenjoey Road, Newport is a classified road, and as such s 2.119 of the TI SEPP applies. This section provides that a consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that –

...

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

38 The Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates dated September 2021 (Tab 46 of the applicant's bundle), concludes (in Section 5) that the proposed development will not result in any change to the existing traffic circumstances in the beachfront car park or vehicle access on Barrenjoey Road. It further concludes (in Section 7) that the proposed vehicle access, internal circulation and servicing arrangements will be satisfactory and that there will not be any adverse implications in relation to traffic, pedestrians or cyclists.

39 On the basis of the conclusions in the paragraph above, and the imposition of conditions 31 and 53, the parties submit and I accept that the requirements in s 2.119 of the TI SEPP have been met.

Pittwater Local Environmental Plan 2014 (PLEP)

40 The site is zoned RE1 Public Recreation under the PLEP. The objectives of the RE1 zone are as follows:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To allow development that does not substantially diminish public use of, or access to, public open space resources.
- To provide passive and active public open space resources, and ancillary development, to meet the needs of the community.

41 The further amended DA is for development that is permissible with consent. Clause 2.7 states that demolition may only be carried out with consent. Consent for demolition is sought within the further amended DA.

- 42 The further amended DA is compliant with the height of buildings control within cl 4.3 which prescribes a maximum height of 8.5m. There is no floor space ratio control applying to the site.
- 43 The Newport SLSC building on the site is identified as an item of local heritage significance under the provisions of cl 5.10 and Sch 5 of the PLEP. The parties' respective heritage experts have agreed the further amended DA substantially retains elements of high significance within the building. Conditions have been imposed to ensure the design of the additions to the building reduce impact on the heritage significance of the Newport SLSC, including by the imposition of conditions relating to colours, materials and finishes (see conditions 24 and 25).
- 44 The further amended DA also limits the extent of demolition and imposes conditions requiring the need for an experienced heritage architect to supervise works relevant to matters of heritage significance (see conditions 26-27 and 82).
- 45 The amended DA has been referred to the Aboriginal Heritage Office, who have provided advice on the amended DA. The applicant has subsequently obtained a due diligence report from Heritage Now dated 13 November 2024 (Tab 39 of the applicant's bundle). The recommendations of the due diligence report and other conditions relating to Aboriginal cultural heritage have now been imposed on the consent (see conditions 40, 49 and 62).
- 46 Part of the site is subject to low-risk flooding and the proposed development is subject to the provisions of cl 5.21. The objectives of this clause are as follows:
- (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

...

47 The parties submit and I accept that the further amended DA is consistent with cl 5.21 as it is:

- compatible with the flood function and behaviour on the site, as outlined in the Coastal Engineering and Flooding Advice for Newport SLSC Clubhouse Redevelopment Report prepared by Horton Coastal Engineering Pty Ltd dated 26 August 2021,
- will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties,
- will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood,
- incorporates appropriate measures to manage risk to life in the event of a flood, with safe refuge provided within the upper floor of the building, and
- will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.

48 Clause 7.1 relates to acid sulfate soils. The site is mapped as Class 3, 4 and 5. The amended DA includes a Preliminary Acid Sulfate Soils Screening prepared by JK Environments dated 2 October 2019 (Tab 45 of the applicant's bundle). The expert evidence concludes that the further amended DA is not likely to disturb acid sulfate soils and therefore an acid sulfate soils management plan is not required for the proposed works.

49 Clause 7.2 relates to earthworks, and the matters contained within subcl (3) must be considered. The amended DA includes a Geotechnical Investigation Report prepared by JK Geotechnics dated 19 October 2021 (Tab 44 of the applicant's bundle) which addresses the matters in cl 7.2(3). The recommendations within that report have been incorporated into the conditions (see conditions 57 and 90).

50 Essential services in accordance with cl 7.10 are available to the site as confirmed in the SEE.

Submissions

51 The majority of the submissions received in response to the notification of the DA and the amended DA were in support. Those that were in objection largely concerned the adequacy of the coastal protection works. The parties are

agreed that the further amended DA, together with the agreed conditions adequately addresses the concerns of the objectors.

Conclusion and orders

52 As the parties' decision is within power as required by s 34(3) of the LEC Act, I now dispose of the proceedings in accordance with their decision. In forming that view, I am not required to make, and have not made, any assessment of the merits of the DA against the discretionary matters that arise pursuant to an assessment under s 4.15 of the EPA Act.

53 The Court notes:

- (1) That the Sydney North Planning Panel, as the relevant consent authority, has agreed pursuant to cl 55 of the EPA Regulation, to the applicant amending development application No. DA2021/2173 to rely on the following amended plans and documents:

Document			Date
Further Amended Architectural Plans prepared by Adrian Pupilli Architects			18 November 2024
<i>Drawing no.</i>	<i>Title</i>	<i>Revision</i>	
010	Proposed Ground Floor Plan	F	
011	Proposed First Floor Plan	F	
012	Proposed Roof Plan	F	
013	Proposed Sections	F	
014	Proposed	F	

	Elevations		
015	Schedule of Colours and Materials	F	
020	Proposed First Floor RCP	B	
Further Amended Landscape Plans prepared by Adrian Pupilli Architects			11 October 2024
<i>Drawing no.</i>	<i>Title</i>	<i>Revision</i>	
LA-01	Landscape Site Plan	E	
UNSW Water Research Laboratory (WRL) Report - Wave pressures on SLSC wall and overtopping water through upper windows (LR20241021)			21 October 2024
WRL Report - Wave pressures on SLSC wall (0.2 Seconds Duration) (LR20241021a)			21 October 2024
WRL Report – Wave trajectory on SLSC Wall (LR20241016)			16 October 2024
Structural Engineering Plans prepared by Partridge			18 October 2024
<i>Drawing no.</i>	<i>Title</i>	<i>Revision</i>	
S1.1	Suggested strengthening of existing building	R3	

S1.2	Suggested strengthening of existing building	R3	
S1.3	Suggested strengthening of existing building	R3	
S2.1	Suggested strengthening of existing building	R3	
S3.1	Cross sections proposed building structural works only	P1	
S3.2	Cross sections with additional strengthening to east wall to support wave loadings	P1	
Mark ups to Partridge Structural Engineering Plans SK-01, SK-02 and SK-03			Marked up on 15.11.2024
<i>Drawing no.</i>	<i>Title</i>	<i>Revision</i>	
SK-01 (S1.1)	Newport Surf	R3	

	Lifesaving Club Refurbishment, Suggested Strengthening of Existing Building		
SK-02 (S1.2)	Newport Surf Lifesaving Club Refurbishment, Suggested Strengthening of Existing Building	R3	
SK03 (S3.2)	Newport Surf Lifesaving Club Refurbishment, Suggested Strengthening of Existing Building	P1	
Structural Engineering Further Supplementary Report prepared by Partridge			21 October 2024
Biodiversity Management Plan prepared by GIS Environmental Consultants			21 October 2024
Construction Environmental Management Plan prepared by GIS Environmental Consultants			21 October 2024

Safety and Evacuation Management Plan prepared by Rhelm			18 October 2024
Stormwater Drainage letter prepared by Rhelm attaching Stormwater Plans prepared by Royal Haskoning DHV			18 October 2024
Stormwater Plans prepared by Royal Haskoning DHV			8 October 2024
<i>DWG No</i>	<i>Title</i>	<i>Issue</i>	
PA2407-RHD-00-05-DR-ME-SW01	Preliminary Stormwater Design	P01	
Letter from Northern Beaches Council (Parks & Open Space) Dune Management - Newport			16 October 2024
Coastal Protection Works Plans prepared by Royal HaskoningDHV			9 September 2024
<i>Drawing no.</i>	<i>Title</i>	<i>Revision</i>	
PA2407-RHD-00-105-DR-MA-0021	General Arrangement Details	C01	
Supplementary Letter – wave forces on parapet wall, prepared by WRL			5 September 2024
Quantity Surveying Report prepared by TCubed Consulting			11 September 2024
Cost Summary Report prepared by TCubed Consulting			11

	September 2024
Aboriginal Heritage Due Diligence Desktop Report – Newport Surf Life Saving Club, Newport prepared by Heritage Now	13 November 2024
<p>Note on Aboriginal heritage (Contention 11(f)) attaching:</p> <ul style="list-style-type: none"> • Report generated by AHIMS Web Service (AHIMS Report) • Site Cards referred to in AHIMS Report: • Site ID 45-6-1221 (11 March 1980) • Site ID 45-6-1222 (11 March 1980) • Site ID 45-6-1223 (11 March 1980) • Site ID 45-6-1224 (11 March 1980) • Site ID 45-6-2645 (14 September 2000) 	Prepared 17 September 2024
Notification of Future Act under <i>Native Title Act 1993</i>	19 March 2021
Native Title Advice	22 March 2021
Root Mapping Report prepared by Tree Management Strategies	17 September 2024
Correspondence from Northern Beaches Council to Crown Lands regarding Owner's Consent	20 November and 20 August 2024

54 The Court orders:

- (1) The applicant is to pay the second respondent's costs thrown away by the amendment of the development application pursuant to s 8.15(3) of the *Environmental Planning and Assessment Act 1979*, as agreed or assessed.
- (2) The appeal is upheld.
- (3) Development Application DA2021/2173 for alterations and additions to the Newport Surf Life Saving Club building with an extension to the northern side and coastal protection works in the form of a buried seawall along the length of the building at 394 and 394A Barrenjoey Road, Newport (Lot 7039 DP 1050730, Lot 23 of Section 6 in DP6248, Barrenjoey Road reserve adjacent to Lot 23 of Section 6 in DP 6248, Lot 24 of Section 6 in DP 6248, Lot 1 DP 1139445, Lot 7094 DP 1059297, and Lot 7327 in DP 1164236) is determined by the grant of development consent subject to the conditions in Annexure A.
- (4) The first respondent is directed to register the development consent on the NSW planning portal in accordance with s 4.20(1) of the *Environmental Planning and Assessment Act 1979* within 14 days of the date of these orders.

S Dixon

Senior Commissioner of the Court

Annexure A (502020, pdf)

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